FAMILY LIFE IN ISLAM

KHURSHID AHMAD



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PREFACE

Islam is a complete way. It has a distinct outlook on life. It aims at producing a unique personality in the individual and a distinct culture for the community based on Islamic ideals and values. The institutions of marriage and the family occupy a very important position in this scheme of life. An effort is made in this small book to explain the Islamic concept of marriage and the family. The original inspiration for this essay came from a recent conference. The Standing Conference on Christian-Muslim Dialogue organised a three-day conference at Wood Hall, Wetherby, Yorks, on "The Family in Christianity and Islam". I was invited to present the Islamic viewpoint on the subject. The talk produced immense interest and sparked off very useful discussions in the following days. As the talk was given before a predominantly Christian audience I had to begin with the Islamic approach to life and gradually explain the institution of the family and the principles on which family relations are built in a Muslim society. The present book is an out-growth of that talk. I hope it will, in its present form, reach a much wider audience and that it will be helpful in developing a better understanding of the Islamic family.

My grateful thanks are due to Father Bernard Chamberlain who persuaded me to write the talk and to Dr. Gaafar Sheikh Idris, Dr. M. M. Ahsan and Mrs. P. R. Phillips who read an earlier manuscript and extended a number of suggestions to improve it. I am grateful to Mrs. D. Buckmaster for reviewing the manuscript for this second edition. The responsibility for mistakes or lapses is, however, exclusively mine. Acknowledgements are also due to Professor Seyyed Hossein Nasr and Messrs. Allen and Unwin Limited for permitting the reproduction of two quotations from ***Ideals and Realities of Islam.***

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Khurshid Ahmad

CONTENTS

CHAPTER 1

THE ISLAMIC APPROACH TO LIFE: THE FOUNDATIONS

We are living in a period of cultural crisis. It seems as if the very foundations of contemporary society are being threatened from within and without. The family, as a basic and most sensitive institution of culture, is being undermined by powerful and destructive forces.[1]

All the symptoms suggest that the crisis in general is deepening and the institution of the family is, in particular, weakening, even disintegrating in Europe and America.[2] It is time to pause for a while and re-examine the foundations on which family life is built in the contemporary West and also to study alternative foundations and structures in other cultural traditions. This will help contemporary man to identify the nature of the crisis that confronts him today and will also point to some of the possibilities that are still open to him. I would like to discuss in the following pages the concept of family life in Islam, its foundations, structure and principles.

We shall be in a better position to understand the institution of the family in Islam if we start by a brief statement about the Islamic approach to life, religion and culture.

1. *Tawḥīd:* The Oneness of God

Islam affirms the Oneness of God and His indivisible sovereignty

1. See: Daniel Bell, *The Coming of Post-Industrial Society,* (London: Heinemann, 1974); Robert L. Helibroner, *The Human Prospect,* The New York Review of Books, January 24, 1974; and Pitrim A. Sorokin, *Social Philosophies of an Age of Crisis,* (London: Adam & Charles Black, 1950).
2. This is borne out by the explosion of sex outside marriage, by the exponential rise in divorce and desertion rates, in broken homes, in abortions and illegitimate births and in juvenile delinquency, and by the plight of the aged. See J. Dominian, *The Marriage Relationship Today,* (London: The Mothers' Union, 1974); Vance Packard, *The Sexual Wilderness,* (New York: David McKay Co., 1968); Marjorie Rittwagen, *Sins of Their Fathers,* (Boston: Houghton Mifflin, 1958).

of the Universe. God is the Creator, the Master and the Sustainer of all that exists. Everything is operating according to His plan. He has revealed, through His Prophets, the Right Path for the guidance of mankind. All Prophets (peace be upon them) have preached the same message — that of acceptance of God's sovereignty. They invited men and women to a life of virtue, purity, justice and peace, and to act according to the guidance He has revealed. All Prophets, from Adam, Noah and Ibrāhīm (Abraham) to Mūsā (Moses), 'Īsā (Jesus) and Muḥammad (peace and blessings of God be on them) taught the same religion of acceptance of and submission to God and commitment to peace, i.e. Islam.[3] Man's failure lies in not protecting and preserving the teachings of the earlier Prophets. As such, the Prophet Muḥammad (peace be upon him) was raised to restate the original message, to present it in its perfect form and to preserve it in such a way that the word of God would no longer be confused with the word of man.[4]

2. Man's Vicegerency

If *tawḥīd* (Oneness of God) constitutes the ideological foundation of Islam, the concept of man's *khilāfah* (vicegerency/caliphate) provides the operational framework for the Islamic scheme of life.

The story of Adam and Eve is found in almost all religious and major cultural traditions. But in these narrations, fact and fancy are found intermingled. The way the Qur'ān narrates this event is crucial to the understanding of the Islamic world-view.

The main outline of the Qur'ānic narration is as follows:[5] God declared His intention to send a vicegerent (*khalīfah*) to the earth. He created Adam and Eve from the same substance. They were destined to play this role of vicegerency and were endowed with the 'knowledge of the things' to do the job well. Then they were put to a test and were asked not to approach a certain tree. They

3. See: al-Qur'ān 3: 3; 3: 84; 42: 13. See also Khurshid Ahmad, *Islam: Basic Principles and Characteristics*, (Leicester: The Islamic Foundation, 1974).
4. If this fact had been kept in view, many a writer would have spared himself the trouble of theorising about 'religious plagiarism' and 'borrowings' from this or that source, a favourite theme with some of the orientalists.
5. The story has been narrated in the Qur'ān in three places. See al-Qur'ān 2: 30–39; 7: 11–25; 20: 115–123. See also Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, (Lahore: Sheikh Muhammad Ashraf, 1971), pp. 82–88 and Abu'l A'la Mawdūdī, *Tafhīm al-Qur'ān* (Lahore: Maktaba Ta'mīr-e-Insāniyyat, 1973), Vol. 1, pp. 61–70 and Vol. II, pp. 10–20.

fell victim to the evil persuasions of Satan and committed sin. But immediately after sinning they repented their mistake, sought God's forgiveness and were forgiven. It was after they were forgiven and redeemed that they were sent down to the earth to play their role as vicegerents of God. They were promised Divine Guidance and were assured that those who followed that guidance would be successful. Adam was the first man to receive this guidance and convey it to his progeny.

Some very important inferences follow from this:

(a) Islam does not contribute to any theory of the 'fall of Adam' symbolising the fall of man. There was no 'fall' at all in that sense. Man was created for the purpose of acting as vicegerent on the earth and he came to the world to fulfil this mission. It represents the rise of man to a new assignment, his tryst with destiny, and not a fall.

(b) The role and status of vicegerency is conferred upon the human being as such, and it is shared by man and woman alike. This lays the foundations of their essential equality as human beings, as vicegerents of God on the earth, whatever their different roles in society may be.

(c) Islam does not subscribe to the view that woman led man (Eve leading Adam) to sin and disobedience. According to the Qur'ān "Satan caused them both to deflect therefrom". Both were held responsible for the act, both repented their transgression and both were forgiven. They entered the world without any stigma of original sin on their soul.

(d) Human nature is pure and good. Man has been created in the best of all forms.[6] Man and woman are made from the same substance. Every one is born in a state of purity and innocence. Success or failure depends entirely on one's own beliefs and behaviour.[7] No one is to be responsible for the shortcomings of others.[8]

(e) Man has been given freedom of choice. He is free to accept or deny Reality. He is responsible for his actions, but is not to be

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6. al-Qur'ān 95: 4.
7. ibid. 95: 5–6; 103: 2–3.
8. ibid. 6: 165.

deprived of this freedom, even if he makes mistakes and abuses it. The uniqueness of the human situation lies in man's psycho-social volition. This is the mainspring of human potential — this is what enables him to rise to the highest pinnacle or to fall into the deepest abyss.

(f) The dangers of misuse of freedom continue to confront man throughout his life on the earth. The challenge from Satan is unceasing. To safeguard man against this, Divine Guidance is provided. The trial of Adam and Eve reveals, on the one hand, the essential goodness of their nature and on the other, their susceptibility to error. This demonstrates man's need for Divine Guidance.

(g) Man has not been totally protected against error. This would involve negation of the freedom of choice. He may commit errors; his redemption lies in his realisation of those errors, in seeking repentance and in turning back to the Right Path.

The theory of vicegerency affirms that God's Creation is deliberate and not fortuitous. Man has been created with a purpose. Everything else in Creation has been harnessed to his service. His life on the earth begins with the consciousness of a mission, not through gropings in darkness. The ideal was set before him through Divine Revelation. The criterion for success has been laid down in clear terms. The signposts of the Right Path have been made manifest. Man's life on earth is in the nature of a trial. It is timebound. This life will be followed by an eternal life wherein man shall reap the rewards of his actions in this life. And in this lifelong trial, men and women are equal participants and will be judged as such. Neither is a mere shadow of the other, but both are active co-partners. The Qur'ān explicitly states that man and woman will get what they strive for and that the same standard is set for them both as the ultimate criterion for their success. "And the believers, the men and the women, are friends protecting each other; they command what is proper and forbid what is improper, keep up prayer and pay the *Zakāt* (welfare due); and they obey God and His Messenger. It is these on whom God will have mercy. Surely God is All-Mighty, All-Wise. God has promised to the believers, men and women, Gardens beneath which rivers flow, forever therein to dwell, and goodly dwelling-places in the Gardens of Eden, and, greater than anything else, God's good

pleasure (and acceptance from Him). That is the supreme triumph."[9] "And whosoever does a righteous deed, be they male or female, and is a believer, We shall assuredly give them a goodly life to live; and We shall certainly reward them according to the best of what they did."[10]

"Men who surrender to God and women who surrender to God, and men who believe and women who believe, and men who obey and women who obey, and men who persevere (in righteousness) and women who persevere, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who guard their modesty and women who guard their modesty, and men who remember God much and women who remember — God has prepared for them forgiveness and a mighty reward."[11] This is how the Qur'ān describes the ideal and the model for men and women and the criterion for the Day of Judgement. This defines what is expected of them as God's vicegerents. This lays the foundation of their equality in their human roles in the world.

3. A Complete Way of Life

Islam affirms God's sovereignty over the entire gamut of man's life. It is opposed to asceticism, monasticism and creeds of life-denial and annihilation. It stands for life-affirmation and life-fulfilment. It refuses to divide life into watertight compartments of the sacred and the secular, of the holy and the profane. It invites man to 'enter wholly the fold of Islam' and regards the division of life into religious and secular as deviations from the Right Path.[12] It gives an integrated view of life and reality. The teachings of Islam cover all fields of human activity, spiritual and material, individual and social, educational and cultural, economic and political, national and international. They cater for the aspirations of the soul as well as for the demands of the law and social institutions. Islam's uniqueness lies in spiritualising the whole matrix of life. Every activity, whether related to things like prayer and fasting, or to economic transactions, sexual relationships, diplomatic dealings or scientific experimentations, is religious if it is undertaken with God-consciousness and accords with the

9. ibid, 9: 71–72.
10. ibid, 16: 97.
11. ibid 33: 35.
12. ibid 2: 208.

values and principles revealed by Him; and it is irreligious if it is in opposition to them. Activities related to matters of economy, politics and law, or sex and social manners, are part of man's religious behaviour and do not fall outside its scope. Life is an organic whole and the same principles should guide and govern it in all its ramifications. The *Sharī'ah* is the Islamic code which guides life in its entirety. The example of the Prophet Muḥammad (peace be upon him) is the model which a Muslim tries to follow, and in his example one can seek guidance in all aspects of human life, from the highly personal to the purely social — as a man, a son, a husband, a father, a preacher, a teacher, a trader, a statesman, a commander, a peace-negotiator, a judge or a head of the state. The Islamic outlook on life is revolutionary as it gives a new dynamism to what has been traditionally regarded as religious. What makes an activity religious is the attitude with which it is undertaken and its conformity or otherwise with the values enunciated by God and His Prophet. With this revolutionary outlook, the entire realm of life is won over to God and Godliness. Nothing is left for Caesar.[13]

4. Faith as the Basis of Society

Islam makes faith and religion the basis of the entire human society and the mainspring for the network of its relationships.

Other social groups and communities have been founded on race, blood, tribe, geography etc., but in Islam all these differences have been subordinated to a new form of organisation emanating from the faith. Commitment to Islam integrates man not only with God but also with the community of believers. These two relationships branch out from the single act of faith. The Islamic concept of nationhood is not based on race, language, colour, territory or politico-economic affinity. The Islamic community is a fraternity of faith — anyone who believes in the Islamic religion and ideology is an inalienable part of this nation — whatever his race, colour, language or place of birth.

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13. This approach to life is very beautifully summed up in the prayer which has been taught in the Qur'ān and is one of the most commonly used prayers in Islam. "Our Lord Give us the good in this world and the good in the Hereafter" (al-Qur'ān 2: 201). The Prophet has said: "Scent and women have been made dear to me, and the contentment of my eyes is in the prayer". The narrow concept of religion tried to drive a wedge between the two categories represented by fragrance and woman on the one side and prayer and communication with God on the other. The Prophet re-integrated them and established the sovereignty of God over the whole realm. As such, 'prayer' and 'worldly progress' do not represent two different categories in Islam. They have been fused into one. Prayer is a stepping stone to social progress and progress without prayer is a form of retrogression.

This is a new principle of human organisation; it is rational and ideological in nature and is capable of embracing the entire human race.

This concept of an ideological community is not a mere moral precept; it has its social, political and legal dimensions. It produces a new infra-structure for human relations. Faith is the decisive force in this system. It gives birth to social institutions, from the family to the state. Islamic culture grows from this faith in the same way as a tree grows from a seed. To some extent it is affected by external forces, but ultimately it is the potential of the seed which is fulfilled. This is a unique principle of organisation. The Islamic society and culture are ideological and universal in their origin and orientation.

These submissions, I believe, help us in understanding the nature of the Islamic system of life. The Islamic culture cannot be understood if some of its parts are studied in isolation, or in the perspective of cultures based on foundations diametrically different from its own. The Islamic institution of the family should also be studied and examined in the perspective of the Islamic outlook on life and the ethos of the Islamic culture.

Chapter II

THE FAMILY IN ISLAM: BASIC PRINCIPLES

We are now in a position to state briefly those principles which determine the nature of the institution of the family in Islam and also define its place in the overall framework of Islamic society.

1. Divinely-Inspired Institution

The family is a Divinely-inspired and ordained institution. It was not evolved through human experimentation involving a process of trial and error spread over time. It was an institution that came into existence with the creation of man. The human race is a product of this institution and not the other way round. The Qur'ān says:

> "O Mankind, be conscious of your duty to your Lord, Who created you from a single soul, created of like nature, his mate, and from the two created and spread many men and women; and be mindful of your duty to God Whose name you appeal to one another and to (the ties of) the womb. Verily God watches over you".[14]

In another chapter the creation of man and woman and the marriage relationship permeated with tranquility, love and mercy have been described as 'signs of God'.[15] The institutions of marriage and the family have been commended as the 'way of the Prophets'.[16] And the Prophet Muhammad (peace be upon him) has said: "Marriage is a part of my *sunnah.* Whoever runs away from my path is not from amongst us".[17]

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14. al-Qur'ān 4: 1. It may be noted that in this verse, the institution of the family — the first family of Adam and Eve — is shown as the mainspring of the human race. It is also significant that one verb *wattaqū* (be conscious of your duty to) has been used in the verse for reference to God and to *al-Arḥām* (the womb: the relations of kinship).
15. ibid 30: 21.
16. ibid 13: 38. "We indeed sent messengers before you (O Muḥammad) and We assigned them wives and children".
17. Ibn Mājah, *Sunan,* Book of *Nikāḥ.*

2. The Social Contract

Although marriage is a Divinely-ordained institution, each marriage as such is in the nature of a contract. The word *nikāḥ*, used for marriage in the Qur'ān and the ***Sunnah***, means *'aqd*, that is, contract.[18] In the Qur'ān, marriage has been specifically referred to as ***Mīthāqan ghalīzah***, a strong covenant.[19] The pre-Islamic practice of inheriting women was forbidden.[20] The consent of both spouses is an explicit condition for a valid marriage in Islam.[21]

This means that marriage is a social contract, a noble and sacred contract, but a contract nonetheless. It leads to a number of relationships and engenders a set of mutual rights and obligations. Each contract, however, is not a sacrament; it is not irrevocable. Divorce is permitted in cases where marriage has failed. Remarriage is allowed, even encouraged. There is no stigma attached to remarriage or to marrying a divorced woman or a widower.

3. Faith and the Family

Faith constitutes the bedrock for the institution of the family. A Muslim is not permitted to marry a non-Muslim.[22] Marriage should be among partners who share a common outlook on life and morality, and who participate in this co-venture to fulfil their destiny as God's vicegerents. In fact, it has been emphasised that a guiding principle in matrimony should be that of "corrupt women for corrupt men, and corrupt men for corrupt women; good women for good men, and good men for good women",[23] and that "the fornicator shall marry none but a woman who fornicates".[24]

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18. See Rāghib al-Isphahānī, *Mufradāt al-Qur'ān*.
19. al-Qur'ān 4: 21.
20. ibid 4: 19. "O you who believe! you are forbidden to inherit (as chattels) the women against their will".
21. See Bukhārī, Book of *Nikāḥ:* See also al-Qur'ān 2: 232.
22. See al-Qur'ān 2: 221. The only exception is that a Muslim male can marry a Jewish or Christian woman, on the grounds that the Muslims, Christians and Jews believe in revealed books and as such share, to a certain extent, a common outlook on life. This permission is only in cases where the husband, the head of the family, is a Muslim. A Muslim woman is not permitted to marry a Christian or Jewish husband except when he embraces Islam.
23. ibid 24: 26. The Prophet has said: "A woman may be married for four reasons; for her property, for her rank, for her beauty and for her religion (and character). So marry the one who is best in religion and character, and prosper". Vide Bukhārī and Muslim. See *Mishkāt al-Maṣābīḥ*, (Tr. J. Robson, Lahore: S. M. Ashraf 1963) Vol. II, p.658. He has also said: "The whole world is provision and the best object of benefit of the world is the pious wife". Muslim, *Ṣaḥiḥ, Ḥadīth*, No. 3465, p.752.
24. al-Qur'ān 24: 3.

Faith continues to play a decisive role in the entire system of family relationships. A father or a son is not to inherit or make a bequest to a non-Muslim son or father. Similarly, if one of the spouses changes his or her faith, the marriage contract is broken.[25]

Thus marriage is not simply a sexual relationship. It is a basic religious and social institution.

4. Marriage

Islam enjoins marriage.[26] It forbids all forms of sexual relationships outside marriage (i.e. pre- or extra-matrimonial relations). It prescribes that this relationship must not exist simply in the pursuit of momentary and ephemeral pleasure, 'just to have a good time', but should be had via marriage and should proceed in a responsible, well-planned and stable manner. It has to be institutionalised, in the form of marriage and a stable family life. This relationship is not a temporary relationship; it is a permanent and enduring one and both partners are expected to make a serious and sustained effort to live together and play their role in society.

The institution of the family plays a very important part in Muslim society. It is a basic unit of that society and is organised in such a way that it operates as society in miniature. About one third of the *aḥkām* (legal injunctions of the Qur'ān) relate to the family and its proper regulation. The network of rights and obligations that provides the basis of family life aims at producing those attitudes and behaviour patterns that Islam wants to foster in the individual and in society. A new balance has been established in the roles and relationships that exist between men and women, between young and old, between near-relatives and distant kith and kin, between freedom and discipline, between individual discretion and social control.

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25. These instances do not mean that the *Sharī'ah* does not prescribe rights and obligations even in such cases. A non-Muslim father has certain rights as has a wife who changes faith. But that is a different issue. Here we are only trying to bring home the crucial role of faith in the institution of the family as such.

26. The position is not that marriage is only permitted or tolerated as unavoidable. It has been positively enjoined. See al-Qur'ān 24: 3, and *Ḥadīth* op. cit. ibn Mājah, Book of *Nikāḥ*. See also *Bulūgh al-Marām*. See Book of *Nikāḥ*, *Ḥadīth* nos. 993–995.

The Muslim family is an extended family, different relations occupying different positions. It is not a nuclear, atomistic family consisting of the parents and children only; it normally has three or four generations under its umbrella.

A careful look at the Islamic law of inheritance shows that all these relations are an integral part of the basic family structure and not just peripheral to it.[27]

5. Equality of the Sexes

Islam affirms the equality of men and women as human beings. This, however, does not entail non-differentiation of their respective roles and functions in society. Islam disapproves of the free mixing of the sexes and regards this as conflicting with the role it assigns to the family in society. The primary responsibility of woman is to concentrate on the home and the family, and all that is required to operate and develop these institutions. She, too, has certain social responsibilities, rights and duties, but her primary concern is the family. This is a functional distribution of roles and activities and is regarded as essential for the proper functioning of the different institutions of society and for its moral and social health and well-being.[28] The responsibility for earning a living rests with the husband, while that of proper education, training and upbringing of the children and the optimal functioning of the home and wider family relationships rests with the wife.

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27. The shares (*dhawī'l-furūḍ*), the first line of inheritors, include father, mother, grandfather, grandmother, brothers, sisters or half-sisters, widower or widows, sons, daughters and granddaughters in certain cases. See Syed Amir Ali, ***Mohammedan Law Lahore, All Pakistan Legal Decisions,*** 1964, Vol. II, pp. 44–48.
28. The question of equality or inequality of men and women raised in this context is simply irrelevant. Different roles or functions do not mean difference in basic status as human beings, rose and jasmine, daffodil and tulip are different, but to say that they are unequal is simply confusing the issue. Engineers, doctors, poets and artists play different roles in society, but the question of their 'inequality' is not raised. Different roles do not mean that some are superior and others inferior. Each area is important and participants in them are to be judged according to their performance in their area of work. And one is assigned to the area one can serve best. Man also has to play a role in the family, but that is not his major role. Here he plays a role secondary to the woman. In the same way, the woman has a role to play in society and its economy. But this is secondary to her role in the family. The Prophet has said: "All of you are guardians and responsible for your wards and the things under your care. The ***imān*** (the ruler) is the guardian of his people and is responsible for them. A man is guardian of his family and is responsible for them. A woman is guardian of her husband's house and is responsible for it. All of you are guardians and all of you are responsible for your wards". Vide Bukhārī.
29. "And stay in your home and do not dress to display your finery in the manner of the women of the days of Ignorance. Be regular in prayer, and pay the welfare due, and obey God and His messenger. God desires to remove uncleanness far from you, folk of the household, and cleanse you thoroughly". al-Qur'ān 33: 33.

Chapter III

THE FAMILY IN ISLAM: ITS OBJECTIVES AND FUNCTIONS

What are the functions which Islam wants the institution of the family to perform in the lives of the individual and society? The family is not just a factory for the procreation of the human species, although the preservation and continuation of the race is one of its objectives. It is the basis of the entire socio-cultural structure and a self-sustaining mechanism to ensure social, ideological and cultural stability over the entire span of society on the one hand and in time, past, present and future, on the other. Let us briefly outline the objectives and functions of the family as enunciated in the Qur'ān and the *Sunnah.*

1. Preservation and Continuation of the Human Race

The survival of the human race and culture, and continuity in the functioning of man's *Khilāfah* depends on the effective operation of the mechanism for procreation and reproduction. Nature has provided for this in that the psychological and physiological differences between the sexes are complementary to each other. All the facts of procreation demand that the process needs a stable structure to come into operation. Man, woman and child are all in need of a permanent and lasting institution in order to fulfil this role. The family is the institution which can take care of the entire process, from the initial phases to its fruition. The Qur'ān says:

> "O Mankind, be conscious of your duty to your Lord, Who created you from a single soul, created of like nature, his mate, and from the two created and spread many men and women".[30]

30. See al-Qur'ān 4: 1.

"Your wives are for you to cultivate; so go to your cultivation whenever you wish, and take care of what is for you, and heed God and know that you will meet Him".[31]

2. Protection of Morals

The sexual urge is a natural and creative urge. Although common to all living beings, in the case of men and women there are some unique aspects. In other animals, it is primarily for procreation and is regulated through instinct and the processes of nature. The mating urge is not effective at all times; it is bound by its own seasons and cycles. With man, this is not so. The urge is always there and lacks any built-in physiological control mechanism. But control and regulation are essential for a healthy existence, even at a biological level. They become more important at the social and cultural levels. Neither total abstinence nor unceasing promiscuity can lead to a stable and healthy existence.

Islam forbids non-marital sex in all its forms. But it enjoins marriage to enable men and women to fulfil their natural urges, to enjoy this aspect of life in such a way that pleasure and responsibility go hand in hand. Sex through marriage and marriage alone provides the control mechanism for the sexual urge. It also acts as a safety-valve for sexual morality. Through it, fulfilment and sublimation are achieved in a balanced way and equilibrium is attained in inter-sex relations. The Qur'ān calls marriage a *ḥiṣn,* a 'castle', i.e. (it is a protection) against a life of debauchery. It says:

"So marry them with their guardian's permission and give them their marriage portions as wives, they being chaste, not committing fornication or having illicit friendships".[32]

At another place, the same point is stressed with reference to the man:

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31. ibid 2: 223, "take care of what is for you" refers to the children from the relationship as also to their education, upbringing, moral training and acculturisation. The productive aspect is also implicit in the metaphor of 'tillage'. Earlier in the same *Sūrah,* it has been said "So now have intercourse with them and seek what God has prescribed for you". (2: 187).
32. ibid 4: 25.

"And respectable, believing women (are lawful) as well as respectable women from among those who are given the Book before you, once you have given them their marriage portion and taken them in wedlock, not fornicating or having illicit friendships".[33]

3. Psycho-Emotional Stability, Love and Kindness

Another objective of marriage is to attain psychological, emotional and spiritual companionship. The relationship in the family, between all its members, and most important of all, between the husband and wife, is not merely a utilitarian relationship. It is a spiritual relationship and sustains and generates love, kindness, mercy, compassion, mutual confidence, self-sacrifice, solace and succour. The best in human nature expresses itself in the flowering of these relationships. It is only in the context of the family that what is spiritually potential in men and women becomes real and sets the pace of the blossoming of goodness and virtue within the family and outside it. In marriage companionship, each partner seeks ever-increasing fulfilment. With children in the family, the values of fellow-feeling, of love and compassion, of sacrifice for others, of tolerance and kindness are translated into reality and implanted in character. It is the family that provides the most congenial climate for the development and fulfilment of human personality. That is why the Prophet (peace be upon him) has said that home is the best place in the world. This function of marriage and family is emphasised in the Qur'ān in a number of ways. It says:

"And (one) of His signs is that He created for you, of yourselves, spouses so that you may console yourselves with them (and find rest and tranquility in them). He has set between you love and mercy".[34]

At another place, the relationship between the spouses has been described as that between 'the body and the garment'.

"They are garments for you and you are garments for them."[35]

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33. ibid 5: 5. The Prophet (peace be upon him) has said: "O young men! Those among you who can support a wife should marry, for it restrains eyes from casting (evil glances) and preserves one from immorality". *Ṣaḥiḥ* of Muslim, Ch. (The Book of Marriage) *Hadīth* No. 3213, p.703. See also *aḥādīth* Nos. 3232 to 3235.
34. Al-Qur'ān 30: 21. The Qur'ānic word *sakīnah* embraces all these shades of meaning and much more.
35. ibid 2: 187.

This emphasises their sameness, their oneness, something much more sublime than legal equality. The husband and the wife both are described as each other's raiment, not one as the garment and the other the body. A garment is something nearest to the human body; it is that part of the external world which becomes a part of our being. Such is the closeness of the relationship between the spouses. Dress is something that covers the body and protects it. The spouses are protectors and guardians of each other. The dress beautifies the wearer. One feels oneself incomplete without it. Husband and wife complement each other; one completes and perfects and beautifies the other. This relationship also protects the morals — without this shield one is exposed to the dangers of illicit carnality. All these aspects have been captured in the single but **succinct phrase: 'you are like a garment for each other'.**

4. Socialisation and Value-Orientation

The function of child-bearing remains incomplete without its more crucial part of child-rearing and upbringing — their education, orientation, character-building and gradual initiation into religion and culture. It is because of this aspect that family care becomes a full-time job. No other institution or even a number of institutions can take care of this function.[36]

> "... and be mindful of your duty to God in whose name you appeal to one another and to (the ties of) the womb".[37]

To be conscious of duty to the ties of the womb as an all-embracing demand includes obligations towards the wife, the children and other relations. "And take care of what is for you" in *Sūrah al-Baqarah* also refers to the same function.[38] One is enjoined to take care of one's self and the members of the family. "O

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36. It is a misconception that nursery, school, lodging house and work place have taken over these functions in modern society. None of the original functions of the family have been totally or effectively taken care of by any or all of these institutions. What has happened is that some roles have been partially taken over by these institutions with the result that some other aspects remain totally neglected today, and what is more important, the integrated personality that would develop through the family fails to emerge. Other influences had always been there in some form, but in different proportions. But the family has been the institution where all other influences would converge and lead to the evolution of a well-balanced personality. With the loss of this function of the family (and not its replacement) the world is a poorer place to live in.
37. al-Qur'ān 4: 1.
38. ibid 2: 223

you who believe", says the Qur'ān, "strive to protect yourselves and your wives and children from the Fire".[39] This objective is set forth in the form of prayer in a number of places:

"Our Lord! Grant us in our spouses and our offspring
the comfort of our eyes and make us a model
for the heedful".[40]

My Lord! Make me keep up prayer and (also)
let my offspring [do so]. Our Lord,
accept my appeal! Our Lord, forgive me and my
parents . . ."[41]

The family's role as a basic organ of socialisation is referred to by the Prophet in a number of *aḥādīth* (traditional sayings) where he has said that every child is born in the nature of Islam and it is his parents who transform him into a Christian, Jew or Magian.[42]

The Prophet has said:

"Of all that a father can give to his children,
the best is their good education and training".[43]

"And whosoever has cared for his three daughters
or three sisters and given them a good education
and training, treating them with kindness till
God makes them stand on their own feet, by God's
grace he has earned for himself a place in
Paradise".[44]

Although one's first responsibility is to one's children and younger brothers and sisters, this institution of family care covers a number of relations, near and distant, according to the circumstances. Care of one's parents and of the weaker or poorer members of the family has been enjoined again and again by the Qur'ān and the *Sunnah.*

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39. ibid 44: 6.
40. ibid 25: 74.
41. ibid 14: 40–41.
42. vide, Ibn Ḥanbal, Vol. 2, pp. 315 and 346. See also Bukhārī, Book of *Tafsīr Sūrah al-Nûr* and Muslim, 'Book of Destiny'.
43. vide *Mishkāt,* op. cit.
44. *Mishkāt,* Book XIII, p. 716.

5. **Social and Economic Security**

The institution of the family is an important part of the Islamic system of socio-economic security. The rights do not relate merely to moral, cultural and ideological aspects; they include the economic and social rights of the family members. The Prophet has said: "When God endows you with prosperity, spend first on yourself and your family". Maintenance of the family is a legal duty of the husband, even if the wife is rich. Spending on the "relations of the womb" has been specifically enjoined. Poor relatives have a prior claim upon one's *zakāt* and other social contributions. The law of inheritance also reveals the nature of economic obligations within the family structure. This responsibility extends to a number of relations. One's parents and grandparents and paternal and maternal relations have a claim upon one's wealth and resources. Someone once said to the Prophet, "I have property and my father is in need of it". The Prophet (peace be upon him) replied, "You and your property belong to your father. Your children are among the finest things you acquire. Eat of what your children acquire".[44]

There are *aḥādīth* emphasising the rights of aunts, uncles and other relatives. Orphans in the family are to be absorbed and treated like one's own children. Older members are to be looked after and treated with honour, kindness and respect, and in the same way these responsibilities extend to one's grand-children and great-grandchildren. Even the needy relatives of any of the spouses have claims upon the well-to-do members. One of the functions of marriage and the family is to extend the ties with relatives and to weld them all into a system of socio-economic cohesion and mutual support. This is not merely a system of economic security, although economic inter-dependence and support are its important elements. Islam established a system of psycho-social security.

The members of the family remain integrated within it; the aged do not go to old people's homes. Orphans are not thrown into orphanages. The poor and unemployed are not made to survive on public assistance. Instead, all of these problems are, in the first instance, solved within the framework of the family in a way that is more humane and is in keeping with the honour and needs

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44. *Mishkāt*, Book XIII, p. 716.

of everyone. It is not economic deprivation alone that is catered for; emotional needs are also taken care of.[45]

The social role of the family becomes very clear in the context of the Qur'ānic injunction about polygamy. Limited polygamy is permitted in Islam, as Islam is a practical religion and is meant for the guidance of human beings made of flesh and blood. There may be situations wherein forced monogamy may lead to moral or social incongruities with disastrous consequences. The sexual urge is not uniform in all human beings, nor is their capacity to control themselves. For a number of reasons, a man may be exposed to a situation where the choice before him could be between a second marriage or a drift towards sin. In such situations, polygamy is permitted.[46]

Similarly there may be more pronounced family or social situations. To take only one social instance, there are periods, particularly after wars, when the number of women in a society exceeds that of men. In such a situation, either some women must remain perpetual spinsters and/or live in sin or they may be absorbed into the family system through polygamy. Islam prefers their absorption into the family. This points to the social function of marriage as a corrective of certain social imbalances.

Similarly, there may be orphans in the family or society and the family alone can provide them with the love, care and dignity they need. The verse in the Qur'ān which gives permission for

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45. The family is the first tier of the Islamic system of social security. Other tiers include a number of social institutions and the state system of social security is one of them.
46. There are people who object to polygamy, but accept polygamous life as a form of human behaviour. Many eye-brows are raised at having a second wife, but to have as many 'mistresses' or 'girl-friends' as one likes is accepted in good grace. The contradiction between these two attitudes is conveniently ignored. It may be Instructive to quote Mrs. Annie Besant and Dr. Havelock Ellis on this point. Mrs. Besant says: "There is pretended monogamy in the West, but there is really polygamy without responsibility; the mistress is cast off when the man is weary of her, and sinks gradually to the 'women of the street', for the first lover has no responsibility for her future and she is a hundred times worse off than the sheltered wife and mother in the polygamous home. When we see thousands of miserable women who crowd the streets of Western towns during the night, we must surely feel that it does not lie within western mouths to reproach Islam for polygamy. It is better for woman, happier for woman, more respectable for woman, to live in polygamy, united to one man only, with the legitimate child in her arms, and surrounded with respect, than to be seduced, cast out in the street — perhaps with an illegitimate child outside the pale of the law — unsheltered and uncared for, to become the victim of any passerby, night after night, rendered incapable of motherhood, despised by all". Annie Besant, ***The Life and Teachings of Muḥammad,*** Madras, 1932, p. 3. Dr. Havelock Ellis writes:

polygamy was revealed after the war of Uḥud wherein about ten per cent of the Muslim army was killed, creating a problem of widows and orphans in the society. Although the permission is general, the historical context provides important clues to the function of the institution. The Qur'ān says:

> "And if you fear that you will not deal fairly by
> the orphans, marry such women as may seem good to
> you, two or three or four (at a time). If you
> fear that you will not act justly, then (marry)
> one woman (only) or someone your right hand
> controls. That is more likely to keep you from
> injustice" [47]

Marriage has also been encouraged to extend protection for the weak within the family. The Prophet commended the behaviour of a bright young man who married an older widow because he had younger sisters, and, as their mother had died, he wanted to marry a woman who could take care of them and bring them up properly.

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46. (continued):
"It must be said that the natural prevalence of monogamy as the normal type of sexual relationship by no means excludes variations. Indeed it assumes them. The line of nature is a curve that oscilates from side to side of the norm. Such oscillations occur in harmony with changes in environmental conditions and no doubt with peculiarities of personal disposition. So long as no arbitrary and merely external attempt is made to force nature the vital order is harmoniously maintained. The most commonvariation, and that which must clearly possess a biological foundation, is the tendency to polygamy, which is found at all stages of culture, even in an unrecognised and more or less promiscuous shape, in the highest civilisation . . ." "The path of social wisdom seems to lie on the one hand in making the marriage relationship flexible enough to reduce to a minimum these variations — not because such deviations are intrinsically bad but because they ought not to be forced into existence — and on the other hand in according to these deviations when they occur such a measure of recognition, as will deprive them of injurious influence and enable justice to be done to all the parties concerned. We too often forget that our failure to recognise such variations merely means that we accord in such cases an illegitimate permission to perpetrate injustice. In those parts of the world in which polygamy is recognised as a permissible variation a man is legally held to his natural obligations towards all his sexual mates and towards the children he has by those mates. In no part of the world is polygamy so prevalent as in Christendom; in no part of the world is it so easy for a man to escape the obligations incurred by polygamy. We imagine that if we refuse to recognise the fact of polygamy, we may refuse to recognise any obligations incurred by polygamy. By enabling man to escape so easily from the obligations of his polygamous relationship we encourage him, if he is unscrupulous, to enter into them; we place a premium on the immorality we loftily condemn. Our polygamy has no legal existence. The ostrich, it was once imagined, hides his head in the sand and attempts to annihilate the facts by refusing to look at them; but there is only one known animal which adopts this course of action and it is called Man". Ellis, Havelock, ***The Psychology of Sex,*** 1910, Vol. IV. pp. 491–92, 493–94.
47. al-Qur'ān 4: 3. For a fuller discussion on polygamy see: Khurshid Ahmad (ed), ***Studies in the Family Law of Islam,*** (Karachi: Chirāgh-e-Rāh Publications, 1961), pp. 214–228.

The family, in the Islamic scheme of life, provides for economic security as it provides for moral, social and emotional security and also leads to integration and cohesion among the relations. Thus, it establishes a very wide and much more humane system of socio-economic security.

6. Widening the Family Horizons and Producing Social Cohesion in Society

Marriage is also a means of widening the area of one's relations and developing affinities between different groups of the various societies — between families, tribes and nationalities. The Prophet (peace be upon him) has said:

> "Matrimonial alliances (between two families or tribes) increase friendship more than anything else".[48]

Marriage acts as a bridge between different families, tribes and communities and has been instrumental in the absorption of diverse people into a wider affinity. In practice, marriage played this role in the early Islamic period as well as throughout Islamic history and in all parts of the world.

7. Motivation for Effort and Sacrifice

It has also been indirectly suggested that marriage increases one's sense of responsibility and induces one to make greater efforts towards earning a living and improving one's economic lot. This aspect is referred to by the Qur'ān when it enjoins people to marry; it says:

> "Marry those among you who are single and (marry) your slaves, male and female, that are righteous; if they are poor, God will enrich them out of His bounty; God is All-Embracing, All-Knowing".[49]

These are some of the major functions which are performed by the family in Islamic society. It provides for the reproduction and continuation of the human race. It acts as the protector of the morals of the individual and society. It creates a congenial context for the spiritual and emotional fulfilment of the spouses, as also of

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48. *Mishkāt.*
49. al-Qur'ān 24: 32.

all other members of the family and promotes love, compassion and tranquility in society.

It initiates the new generations into the culture, tradition and further evolution of their civilisation. It is the sheet-anchor of a system of socio-economic security. It sharpens the motivation of man and strengthens incentives for effort and social progress. It is the cradle of civilisation and a bridge that enables the new generations to move into the society. It is the link that joins the past with the present and with the future in such a way that social transition and change take place through a healthy and stable process. Thus it is, on the one hand, the means adopted for regulating relations between the sexes and providing the mechanism by which the relation of a child to the community is determined and on the other, it is the basic unit of society integrating its members within and enabling them to play their ideological and cultural role in the world (both now and in the future). This is the all-embracing significance of the institution of the family.[50] If this institution is weakened or destroyed, the future of the entire culture and civilisation will be threatened.

The key role in the proper development of the family is played by the woman. In an Islamic society, she is freed from the rigours of running about in search of a living and attending to the demands of employment and work. Instead she more or less exclusively devotes herself to the family, not merely to her own children, but to all the dependant relations in the family. She is responsible for running it in the best possible manner. She looks after its physical, emotional, educational, administrative and other

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50. Syed Ameer Ali paraphrases the viewpoint of leading Muslim jurists from their works like ***Ashbāh, Durr-al-Mukhtār, Radd-al-Mukhtār*** as follows: "Marriage is an institution ordained for the protection of society, and in order that human beings may guard themselves from foulness and unchastity, no sacrament but marriage has maintained its sanctity since the earliest time (lit. the days of Adam). It is an act of *'ibādah* or piety, for it preserves mankind free from pollution; it is instituted by Divine command among members of the human species". "Marriage when treated as a contract is a permanent relationship based on mutual consent on the part of a man and a woman between whom there is no bar to a lawful union; it does not give the man any right over the person of the wife". Ameer Ali, ***Mohammadan Law,*** op cit, p. 241.

needs. It is a world in itself and involves a network of activities, intellectual, physical and organisational. She runs and rules this world with responsibility and authority.[51]

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51. Professor S. H. Nasr correctly sums this up when he says: "In the home the woman rules as queen and a Muslim man is in a sense the guest of his wife at home. The home and the larger family structure in which she lives are for the Muslim woman her world. To be cut off from it would be like being cut off from the world or like dying. She finds the meaning of her existence in this extended family structure which is constructed so as to give her the maximum possibility of realising her basic needs and fulfilling herself. The *Sharī'ah* therefore envisages the role of men and women according to their nature which is complementary. It gives the man the privilege of social and political authority and movement for which he has to pay by bearing heavy responsibilities, by protecting his family from all forces and pressures of society, economic and otherwise. Although a master in the world at large and the priest of his own family, the man acts in his home as one who recognises the rule of his wife in this domain and respects it. Through mutual understanding and the realisation that God has placed on each other's shoulders, the Muslim man and woman are able to fulfil their personal lives and create a firm family unit which is the basic structure of Muslim society". S. N. Nasr, ***Ideals and Realities of Islam*** (London: George Allen & Unwin, 1966), p. 113.

Chapter IV

THE FAMILY IN ISLAM: STRUCTURE, PRINCIPLES AND RULES

We have discussed the salient features of the Islamic outlook on life, the foundations of the family in Islam and its objectives and functions. In this final section an effort will be made to explain briefly the actual working of the institution of the family in Islam, its structure, principles and rules.

1. Marriage and Divorce

Marriage, as a social institution, is essentially a civil contract. And as a civil contract it rests on the same footing as other contracts. Its validity depends on the capacity of the contracting parties, which according to Islamic law, consists in having majority *(bulūgh)* and discretion. Mutual consent and public declaration of the marriage contract are its essentials. The law does not insist on any particular form in which this contract is entered into or on any specific religious ceremony, although there are different traditional forms prevalent amongst the Muslims in different parts of the world and it is regarded advisable to conform to them. As far as the *Sharī'ah* is concerned, the validity of the marriage depends on proposition on one side *(ījāb)* and acceptance *(qubūl)* on the other. This offer and the acceptance can take place directly between the parties, or through an agent *(wakīl)*. In a traditional Muslim marriage the bride's consent is procured through her representative. Normally there are at least two witnesses to this matrimonial contract, entered into at a family ceremony. There is also a dower *(mahr)* which the husband pays to the wife and which is for her sole and exclusive use and benefit. This last (i.e. dower) is an important part of the scheme, but it is not essential for the legality of the marriage that its amount must be pre-fixed. As such its absence would not render the marriage invalid, although the husband is expected to pay it according to custom.

Being a civil contract, the parties retain their personal rights as against each other as well as against others. The power to dis-

solve the marriage-tie rests with both parties and specified forms have been laid down for it.

Marriage in Islam is not a temporary union and is meant for the entire span of life. Dissolution of marriage is, however, permitted if it fails to serve its objectives and has irretrievably broken down.[52]

Family arbitration is resorted to before final dissolution. This has been laid down in the Qur'ān and the *Sunnah.* If this fails, then steps are taken for dissolution of the marriage. There are three forms of dissolution: divorce by the husband (*ṭalāq*), separation sought by the wife (*Khul'*) and dissolution of the marriage by a court of an arbiter. Detailed laws and by-laws have been laid down by the Qur'ān and the *Sunnah* in respect of these and have been codified in the *fiqh* literature to regulate different aspects of marriage and family life.

Muslim marriage is usually a contracted marriage. Although marriage is primarily a relationship between the spouses, it, in fact, builds relationships between two families, and even more. That is why other members of the family, particularly the parents of the spouses, play a much more positive role in it. Consent of the bride and the bridegroom is essential, in fact, indispensable.[53] Despite the fact that free mixing of the sexes is forbidden, it is permitted for the intending partners in marriage to see each other before the marriage. What, however, stands out prominently is that marriage in Muslim society is not merely a private arrangement between the husband and the wife. That is why the whole family contributes effectively towards its arrangement, materialisation and fulfilment.[54]

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52. The Prophet (peace be upon him) has said: "Divorce is the most detestable in the sight of God of all permitted things". *Mishkāt.*
53. The Prophet said: "A widow shall not be married until she be consulted, nor shall a virgin be married until her consent be asked" and that: "A woman ripe in years shall have her consent asked in marriage and if she refuses she shall not be married by force". *Mishkāt.* Marriage without proper consent is invalid in Islamic law.
54. Prof. S. N. Nasr writes: "A woman does not have to find a husband for herself. She does not have to display her charms and make the thousand and one plans through which she hopes to attract a future mate. The terrible anxiety of having to find a husband and of missing the opportunity if one does not try hard enough at the right moment is spared the Muslim woman. Being able to remain more true to her own nature she can afford to sit at home and await the suitable match. This usually leads to a marriage which being based on the sense of religious duty and enduring family and social correspondence between the two sides is more lasting and ends much more rarely in divorce than the marriages which are based on the sentiments of the moment that often do not develop into more permanent relationships". *Ideals and Realities of Islam,* p. 112–113.

2. The Way Marriage is Contracted

No specific ceremony is prescribed for marriage. In principle it has been stressed that marriage should take place publicly. Other members of society should know of this development, preferably in a way that has been adopted by the society as its usage (*'urf*). Normally the *nikāḥ (contract of marriage) takes place at a social* gathering where members of both the families and other friends and relatives gather. *Nikāḥ* can be performed by one person. Usually in Muslim society there are persons knows as *Qāḍī* who discharge this responsibility. In the *nikāḥ*-sermon they recite from the Qur'ān and the *Sunnah* and invite the spouses to a life of God-consciousness, purity, mutual love and loyalty and social responsibility. Then the marriage is contracted where in *ījāb* (proposal) and qubūl (acceptance) are made before the witnesses. After the *nikāḥ,* the bride moves to the bridegroom's house and both begin this new chapter of their life. After the consummation of the marriage, the bridegroom holds a feast for the relatives and friends. The real purpose of these gatherings and feasts is to make the events a social function and to let the society know of it and participate in it. The Prophet has recommended the people to hold these celebrations with simplicity and to share each other's joy. He said:

> "The best wedding is that upon which the least trouble and expense is bestowed".[55]

And that:

> "The worst of feasts are those marriage-feasts to
> which the rich are invited and the poor left out.
> And he who refuses to accept an invitation to a
> marriage feast verily disobeys God and His Prophet".[55]

3. The Structure of a Muslim Family

The structure of the family is threefold. The first and the closest consists of the husband, the wife, their children, their parents who live with them, and servants, if any.[56] The next group, the central

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55. vide. *Mishkāt.*
56. It may not be out of place to mention that if there are servants in the family, they have been regarded as a part of the family in the Muslim tradition. It is enjoined that they should be fed, clothed and treated like other members of the family and not as a different class. It is a common sight in the Arab world that house servants, chauffeurs etc. eat with family members at the same table.

fold of the family, consists of a number of close relatives, whether they live together or not, who have special claims upon each other, who move freely inside the family, with whom marriage is forbidden and between whom there is no *ḥijāb* (purdah). These are the people who also have prior claim on the wealth and resources of a person, in life as well as in death (as beneficiaries, known in the matter of inheritance as 'sharers', the first line of inheritors). The crucial thing in this respect is that they are regarded as *maḥram,* those with whom marriage is prohibited. This constitutes the real core of the family, sharing each other's joys, sorrow, hopes and fears. This relationship emerges from consanguinity, affinity and foster-nursing.[57] Relations based on consanguinity, include (a) father, mother, grandfather, grandmother and other direct forbears; (b) direct descendants, that is, sons, daughters, grandsons, granddaughters etc; (c) relations of the second degree (such as brothers, sisters and their descendants). (d) father's or mother's sisters (not their daughter or other descendants).

Those based on affinity include (i) mother-in-law, father-in-law, grandmother-in-law, grandfather-in-law; (ii) wife's daughters, husband's sons or their grand- or great-granddaughters or -sons respectively; (iii) son's wife, son's son's wife, daughter's husband, and (iv) stepmothers and stepfathers. With some exceptions the same relations are forbidden through foster-nursing (*al-riḍā'ah*).

This is the real extended family and the nucleus of relationships.[58] All those relations who are outside this fold constitute the outer periphery of the family. They, too, have their own rights and obligations, as is borne out by the fact that a number of them have been included in the second and third lines of inheritors. The general structure of the family is presented in a diagram on the next page.

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57. We are using the word foster-nursing for the Islamic legal concept *al-riḍā'ah.* This means that a woman has suckled a child, whether he lives with her or not. Such a woman becomes the baby's foster-mother, her husband becomes his foster-father and their children his foster brothers and sisters. This relationship is very different from that produced by simple legal adoption. The relations produced by this foster-nursing are almost on a par with those of direct blood relationship, i.e. consanguinity, except in the matter of inheritance.
58. In Muslim society there is no joint family system of the type found in traditional Hindu society wherein the economic resources of the family are joined together into one business unit and the head of the family exerts real control over them. There is economic co-operation in a Muslim family but no joint economic organisation and control except where arranged mutually.

THE STRUCTURE OF A MUSLIM FAMILY

WIDER FAMILY RELATIONS

CENTRAL CORE
OF THE FAMILY
represented by
MUḤĀRIM

INNER
CORE OF
THE FAMILY

Parents and
Grand parents

Husband
and Wife

Children

Servants

Father's sisters
and brothers

Mother's sisters and
brothers

Brother's daughters

Sister's daughters

Mother-in-law

Father-in-law

Wife's daughters

Son's wife and
son's son's wife
stepmothers etc.

4. The Position of Man and Woman

In the internal organisation of the family, a man is in the position of the head and the overall supervisor. In fact, it is the eldest member of the extended family who occupies the position of the head. A man's major responsibilities lie outside the family. He is to support the family economically and materially; he has to look after the relations of the family with the rest of the society, its economy and policy and he has to take care of the demands of internal discipline within the family. A woman's major responsibilities lie within the family. Here too, the eldest woman is regarded as the centre of the family organisation but within each circle and fold the relative central position is enjoyed by that woman who constitutes its core. A spectrum of mutual rights and responsibilities has been evolved in such a way that balanced relationships are developed between all. The Qur'ān says:

> "Men are those who support women, since God has given some persons advantages over others, and because they spend their wealth (on them)".[59]

> "Women have the same (rights in relation to their husbands) as is expected in all decency from them; while men stand a step above them. God is Mighty, Wise".[60]

This is in the interests of proper organisation and management within the family. There is equality in rights. There is demarcation of responsibilities.

Man has been made head of the family so that order and discipline are maintained. Both are enjoined to discharge their respective functions with justice and equity.

The question of equality or inequality of the sexes has often been raised. This issue, is, however, the product of a certain cultural and legal context, and is really not relevant to the Islamic context where the equality of men and women as human beings has been Divinely affirmed and legally safeguarded. There is differentiation of roles and responsibilities and certain arrangements have been made to meet the demands of organisations and institutions not on the basis of superiority or in-

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59. al-Qur'ān 4: 34
60. ibid 2: 228.

feriority of the sexes but in the light of the basic facts of life and the needs of the society.[61] Every role is important in its own right and each person is to be judged according to the responsibilities assigned to him or her. Their roles are not competitive but complementary.

5. The Family and Society

The family is a part of the Islamic social order. The society that Islam wants to establish is not a sensate, sex-ridden society. It establishes an ideological society, with a high level of moral awareness, strong commitment to the ideal of *Khilāfah* and purposive orientation of all human behaviour. Its discipline is not an imposed discipline, but one that flows out of every individual's commitment to the values and ideals of Islam. In this society a high degree of social responsibility prevails. The entire system operates in a way that strengthens and fortifies the family and not otherwise.

The family is protected by prohibiting sex outside marriage. Fornication (*zinā*), as such, has been forbidden and made a punishable offence. All roads that lead to this evil are blocked and whatever paves the way towards it is checked and eliminated. That is why promiscuity in any form is forbidden. The Islamic system of *ḥijāb* is a wide-ranging system which protects the family and closes those avenues that lead towards illicit sex or even indiscriminate contact between the sexes in society. It prescribes essential rules and regulations about dress, modes of behaviour, rules of contract between the sexes and a number of other questions that are central or ancillary to it.[62]

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61. A perusal of the Islamic law of inheritance is very instructive in this respect. For instance, the share of a daughter is one half of the share of a son and this means there is apparent inequality, but when this is considered in the context of the economic roles and responsibilities of men and women, its justification becomes manifest. The responsibility for earning and spending on the family is that of man, while woman has the right to hold property and investment in her own name and keep their returns to herself. Due to this differentiation of roles and contributions, shares have been kept different. But where men and women inherit as men and women and not as relatives with specific economic and social responsibilities equal shares go to the two. For example in the presence of the sons and daughters of the deceased, the share of the father or the mother of the deceased, whoever is alive and of both of them if they are living, is the same proportion of the deceased's inheritance. In the cases where both the parents are alive both of them share equally the part that goes to the parents. Mother's share is not one half of the father's share. Both get equal shares. Similarly the shares of uterine brothers and sisters are equal.

62. See Abul A'lā Mawdūdī *Purdah and the Status of Women in Islam*, Tr. by Al-Ashari, (Lahore: Islamic Publications Ltd., 1973), and Ali Musa Muhajir, *Islam in Practical Life*, (Lahore Sh. Muhammad Ashraf, 1968), Ch. IX.

The finer qualities of life have been given every encouragement, but they have been torn from their carnal or sensate context and oriented towards what is noble and good in human life. A number of preventive measures have been taken to protect the family from influences that may corrupt or weaken its moral and social climate. Some of these measures are in the nature of moral persuasions, others take the form of social rules and sanctions, and some take the form of law whose violation entails exemplary punishments. All these protect the institution of the family and enable it to play its positive role in the making of the Islamic society.

Marriage and the family in Islam should be studied and understood in the context of the scheme of life Islam wants to establish. They cannot be understood in isolation. The concept of man and the family which Islam gives is in conflict with the concept of man and the family that is prevalent in the West today. We do not want to be apologetic at all. We refuse to accept the allegedly value-neutral approach that willy-nilly fashions the life and perspective of man in the secular culture of the West today. We think the disintegration of the family in the West is, in part, a result of confusion about the place and the role of the family in society and about the purpose of life itself. If the objectives and values of life are not set right, further disintegration of this and other institutions cannot be prevented. The tragedy of our times is that changes are being imposed upon man under the stress of technological and other external developments and the entire process of change is becoming somewhat non-discretionary and involuntary. In an age in which freedom is worshipped like a god, man is being deprived of the most important freedom — the freedom to choose his ideals, values, institutions and patterns of life. One of the greatest tasks that lie ahead is restoration and rehabilitation of this freedom of choice and its judicious and informed use to set the house of humanity in order. Non-human and moral forces, be they of history or technology, must not be allowed to decide for man. Man should decide for himself as vicegerent of God on the earth. Otherwise, whatever be our achievements in the fields of science and technology, we shall drift towards a new form of slavery, and man's forced abdication of his real role in the world. This we must all resist, at least all those people who believe in God and in the existence of a moral order in the Universe.

Appendix

Review from *The Times,* London

Islam strengthens family life

By CLIFFORD LONGLEY
Religious Affairs Correspondent
in *The Times,* of London

The prophets of doom who predict the disintegration of family life in the Western world have yet to see their words fulfilled, even if the ever-increasing rate of marital breakdown appears to bear them out so far.

The collapse of a generally agreed framework of fixed values for family life and sexual morality undoubtedly strengthens these pessimists' case, if only because the present generation of families has inherited a set of expectations based on religious principles which are now widely questioned.

Though so-called Christian family life is under intolerable strain, Islamic family life appears better designed to stand up to contemporary pressures. It is based on a detailed and rigid set of rules about interpersonal relationships. The Islamic family is therefore held together by more than the social conventions and childhood conditioning that maintains Western family life.

Islam is numerically the second largest religion in Europe, and numbers its adherents in the British Isles in hundreds of thousands. Nevertheless, the Islamic way of family life is largely misunderstood in Britain, even by those such as teachers who come into daily contact with it.

The values of the Islamic family code are strikingly close to Christian values. Even such better known features of Islamic culture as the attitudes to polygamy and divorce can be understood as alternative ways of reaching the same end: a secure interdependence and a caring community of love.

Long before the law of England adopted it, the Islamic law specified irretreivable breakdown as ground for divorce. Before divorce is invoked, the law demands an attempt at reconciliation; again, as now in English civil law. Islamic scholars are also able to defend polygamy be pointing to the concealed polygamy in Western society, which lacks protection for its inevitable victims.

In **Family Life in Islam,** a new publication from the Islamic Foundation in Leicester, the institute's director, Khurshid Ahmad, attacks the way family life in the West seems to be evolving.

"We refuse to accept the allegedly value-neutral approach that willy-nilly fashions the life and perspectives of man in the secular culture of the West today. We think the disintegration of the family in the West is, in part, a result of confusion about the place and the role of the family in society and about the purpose of life itself," Mr. Ahmad says.

"In an age in which freedom is worshipped like a god, man is being deprived of the most important freedom: the freedom to choose his ideals, values, institutions, and patterns of life. One of the greatest tasks that lie ahead is restoration and rehabilitation of this freedom of choice and its judicious and informed use to set the house of humanity in order."

One of the objectives of marriage is psychological, emotional and spiritual companionship between husband and wife, Mr. Ahmad says. The relationship between husband and wife "is a spiritual relationship and sustains and generates love, kindness, mercy, compassion, mutual confidence, self-sacrifice, solace, and succor.

"The best in human nature expresses itself in the flowering of these relationships. It is only in the context of the family that what is spiritually potential in men and women becomes real and sets the pace for the blossoming of goodness and virtue within the family and outside it.

"In marriage companionship, each partner seeks ever-increasing fulfilment. With children in the family, the values of fellow feeling, of love and compassion, of sacrifice for others, of tolerance and kindness, are translated into reality and imparted in character. It is the family that provides the most congenial climate for the development and fulfilment of human personality."

The rules of Islamic family life, which lay down the principles to be followed in such matters as inheritance, the rights of orphans, and the mixing of the sexes, are calculated to foster the integrity of the family in every way. Even the extended family network in Islamic culture is the product more of law than of custom.

Mr. Ahmad's belief that the preservation of family life is essential to the welfare and prosperity of nations is one that many Christians and Jews would share, and many humanists. If so, the Islamic nations may be in a strong position in the world today not just because of Arab oil wealth, but because they possess a stable system of domestic relationships such as the West is trying to do without.

The Times, Monday, December 23, 1974.